

May 2, 2005
Testimony of Mayor Martin O'Malley
United States Congress' Subcommittee on Criminal Justice, Drug Policy and
Human Resources on the topic of Victim-Witness Intimidation

- Chairman Souder, Ranking Member Cummings and Congressman Ruppertsberger, thank you for coming to Baltimore today and providing me with the opportunity to speak with you on this important issue.
- Five years ago, we were the most violent city in America. Now, we have led America's big cities in reducing violence. Overall violent crime is down 40% - to its lowest level since the 1960s. To continue on our path of making Baltimore the safest big city in America, we are committed to a thorough, comprehensive action in the area of victim-witness intimidation.
- Many have identified increased sanctions as a deterrent to victim-witness intimidation. Increased sanctions do serve as a vital component of eliminating victim-witness intimidation in Baltimore, however they must be part of a comprehensive plan that solidifies safety and security for every victim and witness in every corner of our City.
- In addition to increased sanctions, we must examine our criminal justice system's existing practices, policies and procedures. We must be prepared to re-engineer the way we work to better protect the courageous individuals who choose to partner with our police, prosecutors and judges to permanently dismantle the malicious individuals who rob us of our freedom. We must work with urgency. We must share information. And we need our Federal partners with us every step of the way.
- Our State law permits the release of violent felons on bail when they are rearrested; giving them even greater opportunity and incentive to terrorize their communities while they are awaiting trial. Actively or by their mere presence in the community, those involved in the business of violence work to intimidate witnesses and commit further acts of violence while awaiting trial.
- Maryland must adopt a bail system that is modeled after the very system used by our Federal government, where no bail status is given to defendants that meet one of the following conditions:
 - Defendant charged with a crime of violence,
 - Defendant charged with a drug offense carrying a maximum penalty of 10 years or more,
 - Defendant charged with any felony and has two other convictions within the categories listed above,
 - Defendant may flee,

- Defendant may obstruct justice or threaten, injure or intimidate a prospective witness or juror.
- In Maryland, our Police Department doesn't have a direct datafeed from the State's Judicial Information System - which could help prevent witness intimidation by enabling police to systematically establish links between witnesses, victims and suspects in cases, proactively move to make arrests, and to place victims and witnesses in protection programs before an act of intimidation is allowed to occur.
- Right now, citizens can go to our government website to find out if a crime has been committed in their communities. Shouldn't they also be able to find out if the criminal who committed that crime is in jail, made bail or is still on the street - and when he'll face justice? There's no reason it can't happen. It's simply a matter of will.
- Two years ago, our State's Attorney lead the effort to establish a "War Room" which creates an information clearinghouse, upfront, to target our City's worst offenders.
- One problem: The information sharing needed to make it work does not exist with some of our partner agencies. The Parole and Probation information needed to target repeat offenders is kept in notebooks and non-networked computers.
- This high-tech War Room relies on a system of paging parole and probation agents and hoping that A) they are available; and B) they are in possession of the right information about right offender. Police officers and assistant state's attorneys can't find out, in many cases, whether the offender they're trying to lock up and charge is in compliance with their parole and probation conditions. Probation agents don't necessarily know, Monday morning, that an offender was arrested Saturday night - because they're not networked. And because only the Judge who puts an offender on probation can hear a violation case, it can take weeks to address a violation - which should be an easy way to get violent criminals off our streets.
- We understand these are local issues and we are committed to resolving them. However, there is an opportunity for this honorable committee to help us on a federal level:

1) Insist Upon a US Department of Justice Commitment to Federal Gun Prosecutions

- It is not coincidental that in Baltimore, our homicide rate has increased as the federal commitment to gun prosecutions in Maryland has declined. In 2000, there were 196 federal gun indictments, in 2004, this number dropped to 97.
- The benefits of Federal prosecution include: no bail to prevent defendants from re-offending and intimidating witnesses and victims; clear and substantial sentences, served in full without patrol; and incarceration in a Federal facility far away from Baltimore.

2) Demand Adequate Federal Support for our Police and Prosecutors

- Since 1997, the City's Local Law Enforcement Block Grant from the United States Department of Justice, now the Justice Assistance Grant, has been reduced by 74%. In the President's proposed budget for this year, there will be **no** Justice Assistance Grant. And, it gets worse.
- In the President's proposed budget, the Office of Community Oriented Policing Services will receive \$118 million, down from \$606 million last year, an 80% decrease. However, \$96 million of this amount is actually funding that will be carried over from the FY 2004 budget. As a result, this means that the President has only proposed \$22 million in new funding for the COPS Office - a program which has brought over \$208,780,057 in support to Maryland's law enforcement professionals since 1995.
- The President also plans to reduce funding to the Baltimore-Washington HIDTA by over 50%. I've attached an addendum to this testimony that outlines the destruction that will be caused if the President is successful with his intent to dismantle HIDTA. It will assist you greatly in this fight to restore funding to this critical program.
- When combined, the proposed FY 2006 funding level for DOJ /DHS assistance programs is \$2.158 billion. This is a reduction of \$1.467 billion or 40% from the combined FY 2005 level of \$3.625 billion. It represents a decrease in \$2.55 billion or 54% from FY 2004.
- Congressman Cummings, you have supported this City and its heroic citizens for many, many years. Improved information sharing, bail reform, and harsher sanctions for victim-witness intimidation are things we need to work on at the local level. On a Federal level, we must insist that a commitment to increased Federal firearms prosecutions is a pre-requisite for consideration of appointment to the critical law enforcement post of United States Attorney for the District of Maryland.
- We need adequate funding for our local police and prosecutors. Without the Federal government as a partner in our fight, our attempts to ensure the safety of victims and witnesses will be severely undermined. We welcome any thoughts, questions or ideas that you and your colleagues from may have to assist us in addressing the pervasive problem of victim-witness intimidation in Baltimore.
- Thank you.